

POSTED
1-26-18

2017-370-E
274229

Stark, David

From: Stark, David
Sent: Monday, January 22, 2018 4:56 PM
To: 'GISENDANNER, MATTHEW W'; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; 'chad.burgess@scana.com'; Mitch Willoughby; 'belton.zeigler@wbd-us.com'; 'bguild@mindspring.com'; Alex@shissiaslawfirm.com
Cc: Hudson, Shannon; Nelson, Jeff; 'chad.burgess@scana.com'; 'GISENDANNER, MATTHEW W'; 'mike.couick@ecsc.org'; 'jtiencken@tienckenlaw.com'; Frank Ellerbe; 'bguild@mindspring.com'; 'bguild@mindspring.com'; 'Bholman@selcsc.org'; 'ejones@selcsc.org'; 'bcook@scag.gov'; 'esmith@scag.gov'; 'rtyson@sowellgray.com'; 'sroberts@spilmanlaw.com'; 'dwilliamson@spilmanlaw.com'; 'lbrandfass@spilmanlaw.com'; 'Scott Elliott (sellott@elliottlaw.us) (sellott@elliottlaw.us)'; 'DEX@smxblaw.com'; 'alex@shissiaslawfirm.com'; Mitch Willoughby; 'ssuggs@scjustice.org'; 'john@johncoffman.net'; 'fknappp@knappagency.com'; 'TeagueLynn@gmail.com'; 'Dino.Teppara@gmail.com'; 'cmcdonald@tienckenlaw.com'; 'belton.zeigler@wbd-us.com'; Richard Whitt; Richard Whitt; 'tfrogers@austinrogerspa.com'; 'bguild@mindspring.com'; 'bguild@mindspring.com'; 'chad.burgess@scana.com'; Nelson, Jeff; Hudson, Shannon; Belton Zeigler; 'Bholman@selcsc.org'; 'mike.couick@ecsc.org'; 'chris.koon@ecsc.org'; 'jtiencken@tienckenlaw.com'; Frank Ellerbe; 'andy@austengowder.com'; 'jim@jdavispc.com'; 'mrose5@sc.rr.com'; 'cmcdonald@tienckenlaw.com'
Subject: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Parties and Interested Petitioners:

I hope this finds you well. This communication is in regards to the procedural schedule to be set for the timely and efficient adjudication of Docket No. 2017-370-E, the Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans.

Please note that I have included all the parties of record in Docket No. 2017-207-E, Docket No. 2017-305-E, as well as both the parties of record and parties that have requested intervention in Docket No. 2017-370-E in this email. The parties in Docket No. 2017-207-E and 2017-305-E are being notified since they are engaged in proceedings before the Commission involving matters arising out of the same facts and circumstances as those in Docket No. 2017-370-E. The petitioners that have requested intervention in Docket No. 2017-370-E, but have neither been granted nor denied such request are also being including in this communication as a matter of courtesy.

We would ask that the parties review the following proposed procedural schedule for Docket No. 2017-370-E and respond with agreement or concern to me (david.stark@psc.sc.gov) and David Butler (david.butler@psc.sc.gov) by 12:00 p.m. Wednesday, January 24.

The Commission Staff is proposing the following procedural schedule:

1. The Applicant must prefile with the Commission 1 copy of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before February 20, 2018 (must be post-marked on or before this date).

RECEIVED

JAN 26 2018

PSC SC
MAIL / FMO

2. All Other Parties of Record and the Office of Regulatory Staff (ORS) must prefile with the Commission 1 copy of direct testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before March 20, 2018 (must be post-marked on or before this date).
3. The Applicant filing Rebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 3, 2018 (Rebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).
4. All Other Parties of Record and the ORS filing Surrebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 10, 2018 (Surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).

Intervention Date: March 2, 2018

Hearing Date: April 23, 2018

Thanks and Regards,

David Stark, Staff Counsel
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210
Telephone: (803) 896-5163
david.stark@psc.sc.gov
<http://www.psc.sc.gov>

Stark, David

From: Stephanie U. (Roberts) Eaton <seaton@spilmanlaw.com>
Sent: Tuesday, January 23, 2018 3:59 PM
To: Stark, David; Butler, David
Cc: Derrick Price Williamson; Lara R. Brandfass
Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E [STB-WORKSITE.FID762922]

David and David,

Thank you for coordinating with the parties on the schedule for Docket No. 2017-370-E. Walmart has no problem with the proposed schedule. Note that we will be filing a Petition to Intervene in Docket 2017-370-E on behalf of Walmart in the next couple of days.

Best regards,

Stephanie U. (Roberts) Eaton

Co-chair, Construction Group
 Spilman Thomas & Battle, PLLC
 110 Oakwood Drive, Suite 500
 Winston-Salem, NC 27103
 O 336.631.1062
 M 336.655.2229
 F 336.725.4476
seaton@spilmanlaw.com
[View My Bio](#)



CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Stark, David [mailto:david.stark@psc.sc.gov]

Sent: Monday, January 22, 2018 4:56 PM

To: Matthew Gissendanner <matthew.gissendanner@scana.com>; Nelson, Jeff <jnelson@regstaff.sc.gov>; Hudson, Shannon <shudson@regstaff.sc.gov>; Pittman, Jenny <jpittman@regstaff.sc.gov>; K. Chad Burgess <chad.burgess@scana.com>; Mitch Willoughby <mwilloughby@willoughbyhoefer.com>; belton.zeigler@wbd-us.com; bguild@mindspring.com; Alex@shissiaslawfirm.com

Cc: Hudson, Shannon <shudson@regstaff.sc.gov>; Nelson, Jeff <jnelson@regstaff.sc.gov>; K. Chad Burgess <chad.burgess@scana.com>; Matthew Gissendanner <matthew.gissendanner@scana.com>; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe <fellerbe@sowellgray.com>; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; Stephanie U. (Roberts) Eaton <seaton@spilmanlaw.com>; Derrick Price Williamson <DWilliamson@spilmanlaw.com>; Lara R. Brandfass <LBrandfass@spilmanlaw.com>; Scott Elliott <sellott@elliottlaw.us>; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby

<mwilloughby@willoughbyhoefer.com>; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; belton.zeigler@wbd-us.com; Richard Whitt <rlwhitt@austinrogerspa.com>; Richard Whitt <rlwhitt@austinrogerspa.com>; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess <chad.burgess@scana.com>; Nelson, Jeff <jnelson@regstaff.sc.gov>; Hudson, Shannon <shudson@regstaff.sc.gov>; Belton Zeigler <belton.zeigler@wcsr.com>; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe <fellerbe@sowellgray.com>; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com

Subject: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Parties and Interested Petitioners:

I hope this finds you well. This communication is in regards to the procedural schedule to be set for the timely and efficient adjudication of Docket No. 2017-370-E, the Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans.

Please note that I have included all the parties of record in Docket No. 2017-207-E, Docket No. 2017-305-E, as well as both the parties of record and parties that have requested intervention in Docket No. 2017-370-E in this email. The parties in Docket No. 2017-207-E and 2017-305-E are being notified since they are engaged in proceedings before the Commission involving matters arising out of the same facts and circumstances as those in Docket No. 2017-370-E. The petitioners that have requested intervention in Docket No. 2017-370-E, but have neither been granted nor denied such request are also being including in this communication as a matter of courtesy.

We would ask that the parties review the following proposed procedural schedule for Docket No. 2017-370-E and respond with agreement or concern to me (david.stark@psc.sc.gov) and David Butler (david.butler@psc.sc.gov) by 12:00 p.m. Wednesday, January 24.

The Commission Staff is proposing the following procedural schedule:

1. The Applicant must prefile with the Commission 1 copy of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before February 20, 2018 (must be post-marked on or before this date).
2. All Other Parties of Record and the Office of Regulatory Staff (ORS) must prefile with the Commission 1 copy of direct testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before March 20, 2018 (must be post-marked on or before this date).
3. The Applicant filing Rebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 3, 2018 (Rebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).
4. All Other Parties of Record and the ORS filing Surrebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 10, 2018 (Surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).

Intervention Date: March 2, 2018

Hearing Date: April 23, 2018

Thanks and Regards,

David Stark, Staff Counsel
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210
Telephone: (803) 896-5163
david.stark@psc.sc.gov
<http://www.psc.sc.gov>

Stark, David

From: Bob Guild <Bguild@mindspring.com>
Sent: Wednesday, January 24, 2018 8:39 AM
To: Stark, David; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; belton.zeigler@wbd-us.com; Alex@shissiaslawfirm.com
Cc: mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; Richard Whitt; tfrogers@austinrogerspa.com; Belton Zeigler; chris.koon@ecsc.org; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com
Subject: Re: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Dear Mr. Stark and Mr. Butler:

On behalf of Friends of the Earth and Sierra Club we respectfully object to the expedited schedule proposed by SCE&G and Dominion. Such a rush to judgement on the complex and important issues in this case would reward SCE&G for its practice of obstructing discovery of evidence critical to determining the prudence of the nuclear project abandonment and their entitlement to future profitable recovery of abandoned project costs. We urge the Commission to establish a schedule consistent with the need to accomplish adequate pre-hearing discovery and preparation consistent with standard adjudicatory practice and sufficient to address the complex and critically important issues to be determined in this proceeding. Instead, we propose setting a reasonable and disciplined 90-day pre-hearing discovery schedule; to be followed only then by a schedule for the pre-filing of testimony and exhibits, and a subsequent hearing. Such a schedule, employing the sequence of filings similar to that suggested by the utility, would still accommodate a Commission decision in the fourth quarter of the year as suggested by the utilities.

We propose the following schedule:

1. Discovery to be completed by April 24, 2018.
2. Applicant prefile testimony and exhibits by May 24, 2018.
3. All other parties and ORS prefile testimony and exhibits by June 25, 2018.
4. Applicant prefile rebuttal testimony and exhibits by July 9, 2018.
5. All other parties and ORS prefile surrebuttal testimony and exhibits by July 16, 2018.

Intervention Date: March 2, 2018.

Hearing Date: July 31, 2018.

In support of this proposal we note that in the pending complaint proceeding, Docket No. 2017-207-E, initiated by Friends of the Earth and Sierra Club, SCE&G has resisted discovery of critical evidence of the prudence of project abandonment since July 2017- a period of more than six (6) months.. Such evidence includes even the widely-acknowledged and critical Bechtel Report and its, drafts, working papers and references. A Motion to Compel such discovery is pending now before the Commission. In this proceeding we have filed a pending Petition to Intervene and Response Opposing Motion to Expedite; and expect, as previously recognized by the Commission, that our complaint

proceeding will likely be consolidated for hearing with this case where the issues of cost recovery and the prudence of project abandonment are similar.

We appreciate your thoughtful consideration of this important subject.

With kind regards,

Robert Guild
Attorney for Friends of the Earth and Sierra Club

Stark, David

From: Emory Smith <ESmith@scag.gov>
Sent: Wednesday, January 24, 2018 8:43 AM
To: Stark, David
Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; Pittman, Jenny; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; Bob Cook; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; belton.zeigler@wbd-us.com; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Belton Zeigler; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com
Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E
Attachments: 1-24-2018 ltr to D. Stark re PSC case 2017-370-E (01574771xD2C78).pdf

Mr. Stark:

Attached is a letter to you in response to your email below of January 22.

Respectfully,

Emory Smith

J. Emory Smith, Jr.
 Deputy Solicitor General
 Office of the Attorney General
 P.O. Box 11549
 Columbia, SC 29211
 803-734-3642 Direct

From: Stark, David [mailto:david.stark@psc.sc.gov]
Sent: Monday, January 22, 2018 4:56 PM
To: Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; belton.zeigler@wbd-us.com; bguild@mindspring.com; Alex@shissiaslawfirm.com
Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; Bob Cook; Emory Smith; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; belton.zeigler@wbd-us.com; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Belton Zeigler; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com
Subject: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Parties and Interested Petitioners:

I hope this finds you well. This communication is in regards to the procedural schedule to be set for the timely and efficient adjudication of Docket No. 2017-370-E, the Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans.

Please note that I have included all the parties of record in Docket No. 2017-207-E, Docket No. 2017-305-E, as well as both the parties of record and parties that have requested intervention in Docket No. 2017-370-E in this email. The parties in Docket No. 2017-207-E and 2017-305-E are being notified since they are engaged in proceedings before the Commission involving matters arising out of the same facts and circumstances as those in Docket No. 2017-370-E. The petitioners that have requested intervention in Docket No. 2017-370-E, but have neither been granted nor denied such request are also being including in this communication as a matter of courtesy.

We would ask that the parties review the following proposed procedural schedule for Docket No. 2017-370-E and respond with agreement or concern to me (david.stark@psc.sc.gov) and David Butler (david.butler@psc.sc.gov) by 12:00 p.m. Wednesday, January 24.

The Commission Staff is proposing the following procedural schedule:

1. The Applicant must prefile with the Commission 1 copy of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before February 20, 2018 (must be post-marked on or before this date).
2. All Other Parties of Record and the Office of Regulatory Staff (ORS) must prefile with the Commission 1 copy of direct testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before March 20, 2018 (must be post-marked on or before this date).
3. The Applicant filing Rebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 3, 2018 (Rebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).
4. All Other Parties of Record and the ORS filing Surrebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 10, 2018 (Surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).

Intervention Date: March 2, 2018

Hearing Date: April 23, 2018

Thanks and Regards,

David Stark, Staff Counsel
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210
Telephone: (803) 896-5163
david.stark@psc.sc.gov

<http://www.psc.sc.gov>



ALAN WILSON
ATTORNEY GENERAL

January 24, 2018

David Stark, Staff Counsel
Public Service Commission of South Carolina
By email only

Dear Mr. Stark:

By your email of January 22, 2018, you have requested comments of the Attorney General and others regarding scheduling in case 2017-370-E. The Attorney General is presently not a party in this proceeding but is involved in another related case.

As you are aware, our September 26, 2017 Opinion concludes that the abandonment provision of the BLRA (§ 58-33-280(K)), which will undoubtedly be an issue in this proceeding, is unconstitutional. The Attorney General's Office continues to adhere to the view that this provision constitutes a "taking" of ratepayers' property with nothing in return. We thus request that the Commission conclude that § 58-33-280(K) is unconstitutional as applied to SCE&G ratepayers. I would note also that we believe that the rate revision procedures contained in other parts of § 58-33-280 fail to provide ratepayers with sufficient due process and likely violate the Administrative Procedures Act.

With respect to our comments as to scheduling in this matter, we would respectfully request that, to the extent factual issues are involved, such as the prudence of project abandonment and future recovery of abandoned project costs, the Commission allow all parties reasonable discovery to fully explore these factual issues. In our view, the public interest requires all parties be permitted to discover all facts concerning these important questions. This request in no way alters our conclusion that the abandonment provision or other parts of the BLRA violate the federal and state Constitutions.

Sincerely,

Robert D. Cook
Solicitor General

cc: recipients of your email of January 22nd

Stark, David

From: BURGESS, KENNETH CHAD <chad.burgess@scana.com>
Sent: Wednesday, January 24, 2018 9:02 AM
To: Stark, David; Butler, David
Cc: Hudson, Shannon; Nelson, Jeff; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; belton.zeigler@wbd-us.com; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; Nelson, Jeff; Hudson, Shannon; Belton Zeigler; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com; Mitch Willoughby; Zeigler, Belton; alex@shissiaslawfirm.com; Pittman, Jenny
Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Dear David Stark and David Butler –

SCE&G and Dominion Energy have reviewed the procedural schedule set forth in your email below and are in agreement with the pre-filing testimony deadlines and intervention deadline. With respect the hearing date, we respectfully request that the hearing begin on April 30, 2018.

Thank you for your consideration of this matter. If you have any questions or need additional information, please do not hesitate to contact us.

Chad

From: Stark, David [mailto:david.stark@psc.sc.gov]
Sent: Monday, January 22, 2018 4:56 PM
To: GISSENDANNER, MATTHEW W <MATTHEW.GISSENDANNER@scana.com>; Nelson, Jeff <jnelson@regstaff.sc.gov>; Hudson, Shannon <shudson@regstaff.sc.gov>; Pittman, Jenny <jpittman@regstaff.sc.gov>; BURGESS, KENNETH CHAD <chad.burgess@scana.com>; Mitch Willoughby <mwilloughby@willoughbyhoefer.com>; belton.zeigler@wbd-us.com; bguild@mindspring.com; Alex@shissiaslawfirm.com
Cc: Hudson, Shannon <shudson@regstaff.sc.gov>; Nelson, Jeff <jnelson@regstaff.sc.gov>; BURGESS, KENNETH CHAD <chad.burgess@scana.com>; GISSENDANNER, MATTHEW W <MATTHEW.GISSENDANNER@scana.com>; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe <fellerbe@sowellgray.com>; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott <sellott@elliottlaw.us>; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby <mwilloughby@willoughbyhoefer.com>; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; belton.zeigler@wbd-us.com; Richard Whitt <rlwhitt@austinrogerspa.com>; Richard Whitt <rlwhitt@austinrogerspa.com>; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com;

BURGESS, KENNETH CHAD <chad.burgess@scana.com>; Nelson, Jeff <jnelson@regstaff.sc.gov>; Hudson, Shannon <shudson@regstaff.sc.gov>; Belton Zeigler <belton.zeigler@wcsr.com>; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe <fellerbe@sowellgray.com>; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com
Subject: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

***This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source.

Parties and Interested Petitioners:

I hope this finds you well. This communication is in regards to the procedural schedule to be set for the timely and efficient adjudication of Docket No. 2017-370-E, the Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans.

Please note that I have included all the parties of record in Docket No. 2017-207-E, Docket No. 2017-305-E, as well as both the parties of record and parties that have requested intervention in Docket No. 2017-370-E in this email. The parties in Docket No. 2017-207-E and 2017-305-E are being notified since they are engaged in proceedings before the Commission involving matters arising out of the same facts and circumstances as those in Docket No. 2017-370-E. The petitioners that have requested intervention in Docket No. 2017-370-E, but have neither been granted nor denied such request are also being including in this communication as a matter of courtesy.

We would ask that the parties review the following proposed procedural schedule for Docket No. 2017-370-E and respond with agreement or concern to me (david.stark@psc.sc.gov) and David Butler (david.butler@psc.sc.gov) by 12:00 p.m. Wednesday, January 24.

The Commission Staff is proposing the following procedural schedule:

1. The Applicant must prefile with the Commission 1 copy of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before February 20, 2018 (must be post-marked on or before this date).
2. All Other Parties of Record and the Office of Regulatory Staff (ORS) must prefile with the Commission 1 copy of direct testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before March 20, 2018 (must be post-marked on or before this date).
3. The Applicant filing Rebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 3, 2018 (Rebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).
4. All Other Parties of Record and the ORS filing Surrebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 10, 2018 (Surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).

Intervention Date: March 2, 2018

Hearing Date: April 23, 2018

Thanks and Regards,

David Stark, Staff Counsel
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210
Telephone: (803) 896-5163
david.stark@psc.sc.gov
<http://www.psc.sc.gov>

Stark, David

From: Blan Holman <bholman@selcsc.org>
Sent: Wednesday, January 24, 2018 9:59 AM
To: Stark, David; Butler, David; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; belton.zeigler@wbd-us.com; bguild@mindspring.com; Alex@shissiaslawfirm.com
Cc: mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; Liz Jones; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; ssuggs@scjustice.org; john@johncoffman.net; fknappp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; Richard Whitt; tfrogers@austinrogerspa.com; Belton Zeigler; chris.koon@ecsc.org; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; Ross@mklawsc.com
Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Messrs. Stark and Butler:

Thank you for the opportunity to respond to the proposed schedule in Docket No. 2017-370-E.

On behalf of the Coastal Conservation League and Southern Alliance for Clean Energy, my firm will be filing a petition to intervene in this matter. We already engaged in matters 2017-207-, and 2017-305-E.

We agree with the Sierra Club and Friends of the Earth that the proposed schedule is too compressed for parties to give SCE&G and Dominion's filing the review it deserves before filing direct testimony. We also join the Attorney General's request that parties be allowed reasonable discovery to explore factual issues related to the prudence of abandonment and future recovery of abandonment costs.

This docket includes two major matters, each of which deserve the time and attention due a major docket: (1) the first abandonment proceeding, concerning years of records and billions of dollars and (2) the first merger and acquisition of the largest retail electric utility in South Carolina.

The proposed schedule does not allow adequate time for discovery on these matters. Under the current schedule, parties that file motions to intervene on the proposed deadline would not become parties until mid-April. Then, even if those parties file discovery requests on the day they are granted intervenor party status, R. 103-833(C) states that "The person upon whom the requests for production of documents and things have been served shall serve a copy of the answers and objections within the time period designated by the party of record submitting the requests for production of documents and things, but not less than 20 days after the service thereof, unless the time is extended by the Commission for good cause shown." This means a response can't be expected until the end of April--after the proposed deadline to prefile testimony.

Our experience participating in other merger dockets in the Southeast also suggests that the proposed timeline is too compressed. For example, in 2011, we participated in the Duke-Progress merger docket before the NC Utilities Commission. That proceeding was more limited than Docket 370-E will be, yet still had a deadline for intervenors to file testimony that was more than four months after the application was filed. The application was filed April 11, intervenor testimony was due August 26 (later extended to Sept 7), and the hearing was held Sept 20.

The Coastal Conservation League has had difficulty obtaining information from SCE&G in Docket 2017-207-E, similar to Mr. Guild's. Given this history, we also respectfully reserve the right to request that the hearing schedule be amended should SCE&G and Dominion fail to respond to discovery requests and should there be outstanding motions to compel as the intervenor and ORS direct testimony date approaches.

The underlying basis for SCE&G and Dominion's request – that SCE&G wants certainty because it "has determined that its continued creditworthiness and ability to finance its on-going utility operations and serve its continued creditworthiness and ability to finance its on-going utility operations and serve its electric and gas customers effectively is a serious risk" – was recently called into question by the January 19, 2018 "ORS Examination of South Carolina Electric & Gas Revenue." That examination determined that, even if revised rates are suspended in Docket 2017-305-E, SCE&G will not likely be forced into bankruptcy. While we certainly agree that resolution of the matters presented in Docket 2017-370-E is important for SCE&G customers and the state, that importance counsels for a schedule that allows parties the full opportunity to review SCE&G and Dominion's requests and submit complete testimony on whether they are legal and in the best interest of ratepayers.

To that end, we would support additional mechanisms to ensure that the proceeding is orderly and efficient. For example, we would support discovery deadlines ahead of the intervenor and ORS direct testimony deadline. We would also support bifurcation of the proceeding into two sequences: one to determine the prudence of abandonment (either in consolidation with Docket 207-E and 305-E, or following a decision in those cases), and one to address the proposed merger and "customer benefits plan."

Thank you again for your consideration,

Blan

Blan Holman
Southern Environmental Law Center
463 King St. - Suite 200
Charleston, SC 29403

Blan Holman
Southern Environmental Law Center
463 King St. - Suite B
Charleston, SC 29403

p. 843 720 5270
www.southernenvironment.org

From: Stark, David [david.stark@psc.sc.gov]

Sent: Monday, January 22, 2018 4:56 PM

To: Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; belton.zeigler@wbd-us.com; bguild@mindspring.com; Alex@shissiaslawfirm.com

Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Blan Holman; Liz Jones; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; belton.zeigler@wbd-us.com; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Belton Zeigler; Blan Holman; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com

Subject: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Parties and Interested Petitioners:

I hope this finds you well. This communication is in regards to the procedural schedule to be set for the timely and efficient adjudication of Docket No. 2017-370-E, the Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans.

Please note that I have included all the parties of record in Docket No. 2017-207-E, Docket No. 2017-305-E, as well as both the parties of record and parties that have requested intervention in Docket No. 2017-370-E in this email. The parties in Docket No. 2017-207-E and 2017-305-E are being notified since they are engaged in proceedings before the Commission involving matters arising out of the same facts and circumstances as those in Docket No. 2017-370-E. The petitioners that have requested intervention in Docket No. 2017-370-E, but have neither been granted nor denied such request are also being including in this communication as a matter of courtesy.

We would ask that the parties review the following proposed procedural schedule for Docket No. 2017-370-E and respond with agreement or concern to me (david.stark@psc.sc.gov) and David Butler (david.butler@psc.sc.gov) by 12:00 p.m. Wednesday, January 24.

The Commission Staff is proposing the following procedural schedule:

1. The Applicant must prefile with the Commission 1 copy of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before February 20, 2018 (must be post-marked on or before this date).
2. All Other Parties of Record and the Office of Regulatory Staff (ORS) must prefile with the Commission 1 copy of direct testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before March 20, 2018 (must be post-marked on or before this date).
3. The Applicant filing Rebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 3, 2018 (Rebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).
4. All Other Parties of Record and the ORS filing Surrebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 10, 2018 (Surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).

Intervention Date: March 2, 2018

Hearing Date: April 23, 2018

Thanks and Regards,

David Stark, Staff Counsel
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210
Telephone: (803) 896-5163
david.stark@psc.sc.gov
<http://www.psc.sc.gov>

Stark, David

From: Scott Elliott <sellott@elliottlaw.us>
Sent: Wednesday, January 24, 2018 11:28 AM
To: Stark, David; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; belton.zeigler@wbd-us.com; bguild@mindspring.com; Alex@shissiaslawfirm.com
Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; belton.zeigler@wbd-us.com; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Belton Zeigler; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com
Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Mr. Stark and Mr. Butler,

Thank you for suggesting the procedure below. However, I would agree with Mr. Guild that the Commission must adopt a more deliberate schedule which will allow for an informed and thorough decision by the Public Service Commission

There is no reason to expedite this proceeding. The Dominion/SCANA merger application is before the Commission as a result of a decade long failure of SCE&G to build two nuclear plants in Jenkinsville, SC. The backdrop to this matter is unprecedented. Dominion's offer to purchase SCANA has been opaque. While the Dominion CEO has made appearances before the Commission and House and Senate committees, the details of the offer have only been reduced to bullet points and are far from clear. Moreover, the offer is contingent upon matters beyond the Commission's control. Dominion has made it clear that its offer to purchase SCANA is contingent upon the General Assembly leaving portions of the Base Load Review Act in place. The timing and nature of any such legislation is uncertain and the General Assembly adjourns in May, beyond the suggested date for a hearing in this matter. The proposed schedule creates the possibility that the utilities, regulators and ratepayers might spend considerable time and expense to litigate a docket only to have the result upended by the General Assembly. In addition, there are matters pending before this Commission that might upend the deal, such as the ORS request to reduce SCE&G's rates by as much as 18% and the Sierra Club application for refunds. Last, there are matters pending in Circuit Court that could compel Dominion to withdraw its offer to purchase SCANA. Therefore, I would submit that the PSC proceed deliberately to allow the parties, Commission and the ratepayers to have the full benefit of all the facts and circumstances surrounding the merger proposal. Both Mr. Guild and Mr. Holman make sensible tangible suggestions as how to proceed. I think the public interest would be best served by acting deliberately. Please let me know if you have question.

Scott Elliott, Esquire
 Elliott & Elliott, P.A.
 1508 Lady Street
 Columbia, SC 29201

803-771-0555 (P)
 803-771-8010 (F)
selliott@elliottlaw.us

CONFIDENTIALITY NOTICE: The information contained in this electronic message, including any attachments, is intended for the exclusive use of the address(s) and may contain confidential or legally privileged information. This email should not be forwarded to other persons without the permission of the sender. If you have received this communication in error, please immediately notify the sender by telephone or email and destroy the original and all copies of the message and any attachments.

From: Stark, David [mailto:david.stark@psc.sc.gov]

Sent: Monday, January 22, 2018 4:56 PM

To: Matthew Gissendanner <matthew.gissendanner@scana.com>; Nelson, Jeff <jnelson@regstaff.sc.gov>; Hudson, Shannon <shudson@regstaff.sc.gov>; Pittman, Jenny <jpittman@regstaff.sc.gov>; K. Chad Burgess <chad.burgess@scana.com>; Mitch Willoughby <mwilloughby@willoughbyhoefer.com>; belton.zeigler@wbd-us.com; bguild@mindspring.com; Alex@shissiaslawfirm.com

Cc: Hudson, Shannon <shudson@regstaff.sc.gov>; Nelson, Jeff <jnelson@regstaff.sc.gov>; K. Chad Burgess <chad.burgess@scana.com>; Matthew Gissendanner <matthew.gissendanner@scana.com>; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe <fellerbe@sowellgray.com>; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott <selliott@elliottlaw.us>; DEX@smxbplaw.com; alex@shissiaslawfirm.com; Mitch Willoughby <mwilloughby@willoughbyhoefer.com>; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; belton.zeigler@wbd-us.com; Richard Whitt <rlwhitt@austinrogerspa.com>; Richard Whitt <rlwhitt@austinrogerspa.com>; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess <chad.burgess@scana.com>; Nelson, Jeff <jnelson@regstaff.sc.gov>; Hudson, Shannon <shudson@regstaff.sc.gov>; Belton Zeigler <belton.zeigler@wcsr.com>; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe <fellerbe@sowellgray.com>; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com

Subject: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Parties and Interested Petitioners:

I hope this finds you well. This communication is in regards to the procedural schedule to be set for the timely and efficient adjudication of Docket No. 2017-370-E, the Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans.

Please note that I have included all the parties of record in Docket No. 2017-207-E, Docket No. 2017-305-E, as well as both the parties of record and parties that have requested intervention in Docket No. 2017-370-E in this email. The parties in Docket No. 2017-207-E and 2017-305-E are being notified since they are engaged in proceedings before the Commission involving matters arising out of the same facts and circumstances as those in Docket No. 2017-370-E. The petitioners that have requested intervention in Docket No. 2017-370-E, but have neither been granted nor denied such request are also being including in this communication as a matter of courtesy.

We would ask that the parties review the following proposed procedural schedule for Docket No. 2017-370-E and respond with agreement or concern to me (david.stark@psc.sc.gov) and David Butler (david.butler@psc.sc.gov) by 12:00 p.m. Wednesday, January 24.

The Commission Staff is proposing the following procedural schedule:

1. The Applicant must prefile with the Commission 1 copy of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before February 20, 2018 (must be post-marked on or before this date).
2. All Other Parties of Record and the Office of Regulatory Staff (ORS) must prefile with the Commission 1 copy of direct testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before March 20, 2018 (must be post-marked on or before this date).
3. The Applicant filing Rebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 3, 2018 (Rebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).
4. All Other Parties of Record and the ORS filing Surrebuttal Testimony must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before April 10, 2018 (Surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).

Intervention Date: March 2, 2018

Hearing Date: April 23, 2018

Thanks and Regards,

David Stark, Staff Counsel
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210
Telephone: (803) 896-5163
david.stark@psc.sc.gov
<http://www.psc.sc.gov>

Stark, David

From: Stark, David
Sent: Wednesday, January 24, 2018 3:22 PM
To: 'Scott Elliott'; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; belton.zeigler@wbd-us.com; bguild@mindspring.com; Alex@shissiaslawfirm.com; Butler, David
Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; belton.zeigler@wbd-us.com; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Belton Zeigler; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com
Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Parties and Interested Petitioners:

Thank you all for your comments regarding the procedural scheduling matter in Docket No. 2017-370-E. If anyone has any responsive comments to make regarding the schedule proposed by Bob Guild, I would ask such comments be made no later than the close of business tomorrow, January 25th. The Commission intends to set the procedural schedule no later than Friday, January 26th.

Mr. Guild's proposed schedule, with a one-day modification to hearing date, is as follows:

1. Discovery to be completed by April 24, 2018.
2. Applicant prefile testimony and exhibits by May 24, 2018.
3. All other parties and ORS prefile testimony and exhibits by June 25, 2018.
4. Applicant prefile rebuttal testimony and exhibits by July 9, 2018.
5. All other parties and ORS prefile surrebuttal testimony and exhibits by July 16, 2018.

Intervention Date: March 2, 2018.

Hearing Date: July 30, 2018.

Thanks and Regards,

David Stark, Staff Counsel
 Public Service Commission of South Carolina
 101 Executive Center Drive, Suite 100
 Columbia, South Carolina 29210
 Telephone: (803) 896-5163
 david.stark@psc.sc.gov

<http://www.psc.sc.gov>

Stark, David

From: Stephanie U. (Roberts) Eaton <seaton@spilmanlaw.com>
Sent: Wednesday, January 24, 2018 5:33 PM
To: Stark, David; Butler, David
Cc: Derrick Price Williamson; Lara R. Brandfass
Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E [STB-WORKSITE.FID762922]

David and David,

Thank you for your continued efforts to coordinate the schedule for Docket 2017-370-E with the parties. Walmart has no objections to the schedule proposed below except for the actual hearing date, on which Walmart's witness, Mr. Chriss, will not be available. However, Mr. Chriss is available on August 1 and 2 of that same week.

Stephanie U. (Roberts) Eaton

Co-chair, Construction Group
 Spilman Thomas & Battle, PLLC
 110 Oakwood Drive, Suite 500
 Winston-Salem, NC 27103
 O 336.631.1062
 M 336.655.2229
 F 336.725.4476
seaton@spilmanlaw.com
[View My Bio](#)



CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Stark, David [mailto:david.stark@psc.sc.gov]

Sent: Wednesday, January 24, 2018 3:22 PM

To: Scott Elliott <sellott@elliottlaw.us>; Matthew Gissendanner <matthew.gissendanner@scana.com>; Nelson, Jeff <jnelson@regstaff.sc.gov>; Hudson, Shannon <shudson@regstaff.sc.gov>; Pittman, Jenny <jpittman@regstaff.sc.gov>; K. Chad Burgess <chad.burgess@scana.com>; Mitch Willoughby <mwilloughby@willoughbyhoefer.com>; belton.zeigler@wbd-us.com; bguild@mindspring.com; Alex@shissiaslawfirm.com; Butler, David <David.Butler@psc.sc.gov>

Cc: Hudson, Shannon <shudson@regstaff.sc.gov>; Nelson, Jeff <jnelson@regstaff.sc.gov>; K. Chad Burgess <chad.burgess@scana.com>; Matthew Gissendanner <matthew.gissendanner@scana.com>; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe <fellerbe@sowellgray.com>; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; Stephanie U. (Roberts) Eaton <seaton@spilmanlaw.com>; Derrick Price Williamson <DWilliamson@spilmanlaw.com>; Lara R. Brandfass <LBrandfass@spilmanlaw.com>; Scott Elliott <sellott@elliottlaw.us>; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby <mwilloughby@willoughbyhoefer.com>; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; belton.zeigler@wbd-us.com;

Richard Whitt <rlwhitt@austinrogerspa.com>; Richard Whitt <rlwhitt@austinrogerspa.com>;
 tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess
 <chad.burgess@scana.com>; Nelson, Jeff <jnelson@regstaff.sc.gov>; Hudson, Shannon <shudson@regstaff.sc.gov>;
 Belton Zeigler <belton.zeigler@wcsr.com>; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org;
 jtiencken@tienckenlaw.com; Frank Ellerbe <fellerbe@sowellgray.com>; andy@austengowder.com; jim@jdavispc.com;
 mrose5@sc.rr.com; cmcdonald@tienckenlaw.com

Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Parties and Interested Petitioners:

Thank you all for your comments regarding the procedural scheduling matter in Docket No. 2017-370-E. If anyone has any responsive comments to make regarding the schedule proposed by Bob Guild, I would ask such comments be made no later than the close of business tomorrow, January 25th. The Commission intends to set the procedural schedule no later than Friday, January 26th.

Mr. Guild's proposed schedule, with a one-day modification to hearing date, is as follows:

1. Discovery to be completed by April 24, 2018.
2. Applicant prefile testimony and exhibits by May 24, 2018.
3. All other parties and ORS prefile testimony and exhibits by June 25, 2018.
4. Applicant prefile rebuttal testimony and exhibits by July 9, 2018.
5. All other parties and ORS prefile surrebuttal testimony and exhibits by July 16, 2018.

Intervention Date: March 2, 2018.

Hearing Date: July 30, 2018.

Thanks and Regards,

David Stark, Staff Counsel
 Public Service Commission of South Carolina
 101 Executive Center Drive, Suite 100
 Columbia, South Carolina 29210
 Telephone: (803) 896-5163
david.stark@psc.sc.gov
<http://www.psc.sc.gov>

Stark, David

From: Zeigler, Belton <Belton.Zeigler@wbd-us.com>
Sent: Thursday, January 25, 2018 10:32 AM
To: Stark, David; Scott Elliott; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; bguild@mindspring.com; Alex@shissiaslawfirm.com; Butler, David
Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com
Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Dear David:

I am responding for SCE&G to your request for comments on the schedule proposed by Mr. Guild on behalf of the Sierra Club and Friends of the Earth.

SCE&G reaffirms its support for the schedule proposed in your email of January 22, 2018 as to the pre-filing testimony deadlines and intervention deadlines in this matter. With respect the hearing date, as indicated in Mr. Burgess's email of January 24, 2018, SCE&G respectfully requests that the hearing be delayed one week to April 30, 2018.

SCE&G objects to the schedule suggested on behalf of the Sierra Club and Friends of the Earth on both legal and practical grounds. Legally, that schedule would result in a procedural default under Sections 58-27-870(C) of the Code of Laws of South Carolina, 1976 which reads: "When the proposed changes relate to rates or tariffs, the commission must rule and issue its order approving or disapproving the changes within six months after the date the schedule is filed." The relief requested in the Joint Petition in this Docket is sought under Sections 58-27-870 and Section 58-33-280(K) of the Code of Laws of South Carolina. The six month deadline is directly applicable to the matter by reason of Section 58-27-870. Under Section 58-27-240, matters arising under the revised rates statute (Section 58-33-280) are also subject to the provisions of Sections 58-27-870(C).

If there were a default in issuing the order by the required deadline, the result under Sections 58-27-870(D) would be that the relief requested by the utility would be deemed granted.

In addition, there is a pressing practical need to resolve these matters for the benefit of the State of South Carolina and SCE&G's customers. Certainty as to these matters is necessary to ensure that SCE&G has access to the capital it requires to sustain reliable and efficient utility operations, and to support economic development and the growing needs of its customers. The longer this matter goes unresolved, the more this uncertainty will be reflected in increased capital costs and in increased future rates to customers.

Thank you for your consideration of these matters.

Belton

Belton Zeigler

Partner

Womble Bond Dickinson (US) LLP

d: 803-454-7720

m: 803-530-1189

e: Belton.Zeigler@wbd-us.com

1221 Main Street

Suite 1600

Columbia, SC 29201



womblebond Dickinson.com



This email is sent for and on behalf of Womble Bond Dickinson (US) LLP. Womble Bond Dickinson (US) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebond Dickinson.com/us/legal-notice for further details.

From: Stark, David [mailto:david.stark@psc.sc.gov]

Sent: Wednesday, January 24, 2018 3:22 PM

To: Scott Elliott; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; Zeigler, Belton; bguild@mindspring.com; Alex@shissiaslawfirm.com; Butler, David

Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; Zeigler, Belton; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Zeigler, Belton; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com

Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Parties and Interested Petitioners:

Thank you all for your comments regarding the procedural scheduling matter in Docket No. 2017-370-E. If anyone has any responsive comments to make regarding the schedule proposed by Bob Guild, I would ask such comments be made no later than the close of business tomorrow, January 25th. The Commission intends to set the procedural schedule no later than Friday, January 26th.

Mr. Guild's proposed schedule, with a one-day modification to hearing date, is as follows:

1. Discovery to be completed by April 24, 2018.
2. Applicant prefile testimony and exhibits by May 24, 2018.

3. All other parties and ORS prefile testimony and exhibits by June 25, 2018.
4. Applicant prefile rebuttal testimony and exhibits by July 9, 2018.
5. All other parties and ORS prefile surrebuttal testimony and exhibits by July 16, 2018.

Intervention Date: March 2, 2018.

Hearing Date: July 30, 2018.

Thanks and Regards,

David Stark, Staff Counsel
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210
Telephone: (803) 896-5163
david.stark@psc.sc.gov
<http://www.psc.sc.gov>

Stark, David

From: Blan Holman <bholman@selcsc.org>
Sent: Thursday, January 25, 2018 4:29 PM
To: Zeigler, Belton; Stark, David; Scott Elliott; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; bguild@mindspring.com; Alex@shissiaslawfirm.com; Butler, David
Cc: mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; Liz Jones; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; DEX@smxblaw.com; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; Richard Whitt; tfrogers@austinrogerspa.com; chris.koon@ecsc.org; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com
Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Dear David:

Contrary to Mr. Zeigler's assertion that a six month default deadline applies when relief is sought under Section 58-33-280(K), as ORS set forth in its August 9, 2017 Motion to Dismiss in Docket No. 2017-244-E (SCE&G's first petition for an abandonment determination), "the language within the Abandonment Section of the BLRA, S.C. Code § 58-33-280(k), does not require any revised rates proceeding." (paragraph 35, <https://dms.psc.sc.gov/Attachments/Matter/217fd7e5-02b6-4c2c-bc13-ce84f68365b1>, see also paragraphs 34-45). Because matters arising under 58-33-280(K) are not "revised rates" proceedings, the Section 58-33-240 and the 58-27-870(B) default deadline should not apply.

Even if the Commission were to find that Sections 58-27-870(B) and (C) do apply, a June hearing would give the Commission ample time to issue an order on or before July 12. The following procedural schedule would allow for a hearing date in mid to late June and time for discovery at the outset.

| | SCE&G proposal | Mr. Guild proposal | New possible schedule |
|------------------------------|----------------|--------------------|-----------------------|
| Discovery completion | | April 24 | April 24 |
| Applicant direct testimony | February 20 | May 24 | April 24 |
| Petitions to intervene | March 2 | March 2 | March 20 |
| Intervenor & ORS direct | March 20 | June 25 | May 21 |
| Applicant rebuttal | April 3 | July 9 | June 4 |
| Intervenor & ORS surrebuttal | April 10 | July 16 | June 11 |
| Hearing | April 23 | July 30 | June 18 |

Thank you for your consideration.

Blan Holman
 Southern Environmental Law Center
 463 King St. - Suite B
 Charleston, SC 29403
 p. 843 720 5270
www.southernenvironment.org

From: Zeigler, Belton [Belton.Zeigler@wbd-us.com]
Sent: Thursday, January 25, 2018 10:32 AM

To: Stark, David; Scott Elliott; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; bguild@mindspring.com; Alex@shissiaslawfirm.com; Butler, David

Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Blan Holman; Liz Jones; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Blan Holman; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com

Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Dear David:

I am responding for SCE&G to your request for comments on the schedule proposed by Mr. Guild on behalf of the Sierra Club and Friends of the Earth.

SCE&G reaffirms its support for the schedule proposed in your email of January 22, 2018 as to the pre-filing testimony deadlines and intervention deadlines in this matter. With respect the hearing date, as indicated in Mr. Burgess's email of January 24, 2018, SCE&G respectfully requests that the hearing be delayed one week to April 30, 2018.

SCE&G objects to the schedule suggested on behalf of the Sierra Club and Friends of the Earth on both legal and practical grounds. Legally, that schedule would result in a procedural default under Sections 58-27-870(C) of the Code of Laws of South Carolina, 1976 which reads: "When the proposed changes relate to rates or tariffs, the commission must rule and issue its order approving or disapproving the changes within six months after the date the schedule is filed." The relief requested in the Joint Petition in this Docket is sought under Sections 58-27-870 and Section 58-33-280(K) of the Code of Laws of South Carolina. The six month deadline is directly applicable to the matter by reason of Section 58-27-870. Under Section 58-27-240, matters arising under the revised rates statute (Section 58-33-280) are also subject to the provisions of Sections 58-27-870(C).

If there were a default in issuing the order by the required deadline, the result under Sections 58-27-870(D) would be that the relief requested by the utility would be deemed granted.

In addition, there is a pressing practical need to resolve these matters for the benefit of the State of South Carolina and SCE&G's customers. Certainty as to these matters is necessary to ensure that SCE&G has access to the capital it requires to sustain reliable and efficient utility operations, and to support economic development and the growing needs of its customers. The longer this matter goes unresolved, the more this uncertainty will be reflected in increased capital costs and in increased future rates to customers.

Thank you for your consideration of these matters.

Belton

Belton Zeigler

Partner

Womble Bond Dickinson (US) LLP

d: 803-454-7720

m: 803-530-1189

e: Belton.Zeigler@wbd-us.com

1221 Main Street

Suite 1600

Columbia, SC 29201



womblebond Dickinson.com



This email is sent for and on behalf of Womble Bond Dickinson (US) LLP. Womble Bond Dickinson (US) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebond Dickinson.com/us/legal-notice for further details.

From: Stark, David [mailto:david.stark@psc.sc.gov]

Sent: Wednesday, January 24, 2018 3:22 PM

To: Scott Elliott; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; Zeigler, Belton; bguild@mindspring.com; Alex@shissiaslawfirm.com; Butler, David

Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; Zeigler, Belton; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Zeigler, Belton; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com

Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Parties and Interested Petitioners:

Thank you all for your comments regarding the procedural scheduling matter in Docket No. 2017-370-E. If anyone has any responsive comments to make regarding the schedule proposed by Bob Guild, I would ask such comments be made no later than the close of business tomorrow, January 25th. The Commission intends to set the procedural schedule no later than Friday, January 26th.

Mr. Guild's proposed schedule, with a one-day modification to hearing date, is as follows:

1. Discovery to be completed by April 24, 2018.
2. Applicant prefile testimony and exhibits by May 24, 2018.
3. All other parties and ORS prefile testimony and exhibits by June 25, 2018.
4. Applicant prefile rebuttal testimony and exhibits by July 9, 2018.
5. All other parties and ORS prefile surrebuttal testimony and exhibits by July 16, 2018.

Intervention Date: March 2, 2018.

Hearing Date: July 30, 2018.

Thanks and Regards,

David Stark, Staff Counsel
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210
Telephone: (803) 896-5163
david.stark@psc.sc.gov

<http://www.psc.sc.gov>

Stark, David

From: Scott Elliott <sellott@elliottlaw.us>
Sent: Friday, January 26, 2018 1:56 PM
To: Zeigler, Belton; Stark, David; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; bguild@mindspring.com; Alex@shissiaslawfirm.com; Butler, David
Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com
Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

All, A careful reading of the statutes under which Dominion and SCANA seek relief in this docket compels the conclusion that the Commission is under no statutory imperative to act within six months. Dominion/SCANA seek relief pursuant to Sections 58-27-1300, 58-27-870(F) and 58-33-280(K).

First, Section 58-27-1300 does not impose a deadline on the Commission by which to act and Mr. Zeigler does not suggest a deadline.

Second, SC Code Ann. Section 58-27-870(F) imposes no deadline on the Commission to act on the application. Mr. Zeigler suggests that the six month deadline in SC Code Ann Section 58-27-870 (C) applies to this docket. He is mistaken. Section 58-27-870(F) specifically states that “[n]otwithstanding the provisions of Section 58-27-860 and 870, the Commission may be allowed to rates and tariffs to be put into effect without notice and hearing....” The statutory intent of Section 58-27-870 (F) was to relieve the Commission of a deadline by which to act on an application under this section.

Last, Section 58-33-280(K) does not impose a deadline for the Commission act to rule on an abandonment. Section 58-33-240 applies to “proceedings and combined proceedings, to revise rates proceedings, and to the judicial review of orders issued under this article.” Abandonment is arguably a separate proceeding authorized under the Base Load Review Act from those set out in Section 58-33-240 . If Section 58-33-240 were to apply at all to the abandonment application, Section 58-33-240 (E) imposing a deadline of nine months is more likely to apply.

There is no compelling reason to infer that the General Assembly intended the Commission to rush to judgment as Mr. Zeigler would suggest. Accordingly, I would support the schedule suggested by the Sierra Club.

Scott Elliott, Esquire
 Elliott & Elliott, P.A.
 1508 Lady Street
 Columbia, SC 29201
 803-771-0555 (P)

803-771-8010 (F)
selliott@elliottlaw.us

CONFIDENTIALITY NOTICE: The information contained in this electronic message, including any attachments, is intended for the exclusive use of the address(s) and may contain confidential or legally privileged information. This email should not be forwarded to other persons without the permission of the sender. If you have received this communication in error, please immediately notify the sender by telephone or email and destroy the original and all copies of the message and any attachments.

From: Zeigler, Belton [mailto:Belton.Zeigler@wbd-us.com]

Sent: Thursday, January 25, 2018 10:32 AM

To: Stark, David <david.stark@psc.sc.gov>; Scott Elliott <selliott@elliottlaw.us>; Matthew Gissendanner <matthew.gissendanner@scana.com>; Nelson, Jeff <jnelson@regstaff.sc.gov>; Hudson, Shannon <shudson@regstaff.sc.gov>; Pittman, Jenny <jpittman@regstaff.sc.gov>; K. Chad Burgess <chad.burgess@scana.com>; Mitch Willoughby <mwilloughby@willoughbyhoefer.com>; bguild@mindspring.com; Alex@shissiaslawfirm.com; Butler, David <David.Butler@psc.sc.gov>

Cc: Hudson, Shannon <shudson@regstaff.sc.gov>; Nelson, Jeff <jnelson@regstaff.sc.gov>; K. Chad Burgess <chad.burgess@scana.com>; Matthew Gissendanner <matthew.gissendanner@scana.com>; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe <fellerbe@sowellgray.com>; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott <selliott@elliottlaw.us>; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby <mwilloughby@willoughbyhoefer.com>; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; Richard Whitt <rlwhitt@austinrogerspa.com>; Richard Whitt <rlwhitt@austinrogerspa.com>; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess <chad.burgess@scana.com>; Nelson, Jeff <jnelson@regstaff.sc.gov>; Hudson, Shannon <shudson@regstaff.sc.gov>; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe <fellerbe@sowellgray.com>; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com

Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Dear David:

I am responding for SCE&G to your request for comments on the schedule proposed by Mr. Guild on behalf of the Sierra Club and Friends of the Earth.

SCE&G reaffirms its support for the schedule proposed in your email of January 22, 2018 as to the pre-filing testimony deadlines and intervention deadlines in this matter. With respect the hearing date, as indicated in Mr. Burgess's email of January 24, 2018, SCE&G respectfully requests that the hearing be delayed one week to April 30, 2018.

SCE&G objects to the schedule suggested on behalf of the Sierra Club and Friends of the Earth on both legal and practical grounds. Legally, that schedule would result in a procedural default under Sections 58-27-870(C) of the Code of Laws of South Carolina, 1976 which reads: "When the proposed changes relate to rates or tariffs, the commission must rule and issue its order approving or disapproving the changes within six months after the date the schedule is filed." The relief requested in the Joint Petition in this Docket is sought under Sections 58-27-870 and Section 58-33-280(K) of the Code of Laws of South Carolina. The six month deadline is directly applicable to the matter by reason of Section 58-27-870. Under Section 58-27-240, matters arising under the revised rates statute (Section 58-33-280) are also subject to the provisions of Sections 58-27-870(C).

If there were a default in issuing the order by the required deadline, the result under Sections 58-27-870(D) would be that the relief requested by the utility would be deemed granted.

In addition, there is a pressing practical need to resolve these matters for the benefit of the State of South Carolina and SCE&G's customers. Certainty as to these matters is necessary to ensure that SCE&G has access to the capital it requires to sustain reliable and efficient utility operations, and to support economic development and the growing needs of its customers. The longer this matter goes unresolved, the more this uncertainty will be reflected in increased capital costs and in increased future rates to customers.

Thank you for your consideration of these matters.

Belton

Belton Zeigler

Partner

Womble Bond Dickinson (US) LLP

d: 803-454-7720

m: 803-530-1189

e: Belton.Zeigler@wbd-us.com

1221 Main Street

Suite 1600

Columbia, SC 29201



**WOMBLE
BOND
DICKINSON**

womblebond Dickinson.com



This email is sent for and on behalf of Womble Bond Dickinson (US) LLP. Womble Bond Dickinson (US) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebond Dickinson.com/us/legal-notice for further details.

From: Stark, David [<mailto:david.stark@psc.sc.gov>]

Sent: Wednesday, January 24, 2018 3:22 PM

To: Scott Elliott; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; Zeigler, Belton; bguild@mindspring.com; Alex@shissiaslawfirm.com; Butler, David

Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; Scott Elliott; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknappp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; Zeigler, Belton; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Zeigler, Belton; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com

Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

Parties and Interested Petitioners:

Thank you all for your comments regarding the procedural scheduling matter in Docket No. 2017-370-E. If anyone has any responsive comments to make regarding the schedule proposed by Bob Guild, I would ask such comments be made

no later than the close of business tomorrow, January 25th. The Commission intends to set the procedural schedule no later than Friday, January 26th.

Mr. Guild's proposed schedule, with a one-day modification to hearing date, is as follows:

1. Discovery to be completed by April 24, 2018.
2. Applicant prefile testimony and exhibits by May 24, 2018.
3. All other parties and ORS prefile testimony and exhibits by June 25, 2018.
4. Applicant prefile rebuttal testimony and exhibits by July 9, 2018.
5. All other parties and ORS prefile surrebuttal testimony and exhibits by July 16, 2018.

Intervention Date: March 2, 2018.

Hearing Date: July 30, 2018.

Thanks and Regards,

David Stark, Staff Counsel
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210
Telephone: (803) 896-5163
david.stark@psc.sc.gov
<http://www.psc.sc.gov>

Easterling, Deborah

From: Stark, David
Sent: Friday, January 26, 2018 5:15 PM
To: Easterling, Deborah
Subject: Fwd: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

From: Stark, David
Sent: Friday, January 26, 2018 4:41:03 PM
To: Scott Elliott; Zeigler, Belton; Matthew Gissendanner; Nelson, Jeff; Hudson, Shannon; Pittman, Jenny; K. Chad Burgess; Mitch Willoughby; bguild@mindspring.com; Alex@shissiaslawfirm.com; Butler, David
Cc: Hudson, Shannon; Nelson, Jeff; K. Chad Burgess; Matthew Gissendanner; mike.couick@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; bguild@mindspring.com; bguild@mindspring.com; Bholman@selcsc.org; ejones@selcsc.org; bcook@scag.gov; esmith@scag.gov; rtyson@sowellgray.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; lbrandfass@spilmanlaw.com; DEX@smxblaw.com; alex@shissiaslawfirm.com; Mitch Willoughby; ssuggs@scjustice.org; john@johncoffman.net; fknapp@knappagency.com; TeagueLynn@gmail.com; Dino.Teppara@gmail.com; cmcdonald@tienckenlaw.com; Richard Whitt; Richard Whitt; tfrogers@austinrogerspa.com; bguild@mindspring.com; bguild@mindspring.com; K. Chad Burgess; Nelson, Jeff; Hudson, Shannon; Bholman@selcsc.org; mike.couick@ecsc.org; chris.koon@ecsc.org; jtiencken@tienckenlaw.com; Frank Ellerbe; andy@austengowder.com; jim@jdavispc.com; mrose5@sc.rr.com; cmcdonald@tienckenlaw.com
Subject: RE: Request for Comments on Proposed Schedule in Docket No. 2017-370-E

All:

I thank you all for your thoughts and comments on the procedural schedule for Docket No. 2017-370-E. This has become an issue with clearly divergent legal opinions between the parties. The Commission has decided, in light of the differing positions that have significant impacts on allowable procedural scheduling in this Docket, to take up the matter at its next Commission Business Meeting on Wednesday, January 31. If any parties or interested petitioners would like to submit additional comments for consideration prior to that time, such comments may be submitted (filed) in the form of a brief.

The Commission appreciates that the time for contemplation of further comments is short, but the Commission desires to establish a procedural schedule as quickly as is prudent to most efficiently adjudicate the matter and remove procedural uncertainty.

Regards,

David Stark, Staff Counsel
 Public Service Commission of South Carolina
 101 Executive Center Drive, Suite 100
 Columbia, South Carolina 29210
 Telephone: (803) 896-5163
 david.stark@psc.sc.gov
<http://www.psc.sc.gov>